

Calendar No. 324

109TH CONGRESS
1ST SESSION**S. 1003****[Report No. 109–206]**

To amend the Act of December 22, 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2005

Mr. MCCAIN introduced the following bill; which was read twice and referred
to the Committee on Indian Affairs

DECEMBER 12, 2005

Reported by Mr. MCCAIN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Act of December 22, 1974, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Navajo-Hopi Land Settlement Amendments of 2005”.

- 1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE NAVAJO-HOPI LAND SETTLEMENT ACT OF 1974

- Sec. 101. Repeal of sections.
 Sec. 102. Definitions; division of land.
 Sec. 103. Joint ownership of minerals.
 Sec. 104. Actions.
 Sec. 105. Paiute Indian allotments.
 Sec. 106. Partitioned and other designated land.
 Sec. 107. Resettlement land for Navajo Tribe.
 Sec. 108. Office of Navajo and Hopi Indian Relocation.
 Sec. 109. Report.
 Sec. 110. Relocation of households and members.
 Sec. 111. Relocation housing.
 Sec. 112. Payment for use of land.
 Sec. 113. Effect of Act.
 Sec. 114. Actions for accounting, fair value of grazing, and claims for damages
to land.
 Sec. 115. Joint use.
 Sec. 116. Religious ceremonies; piping of water.
 Sec. 117. Access to religious shrines.
 Sec. 118. Exclusion of payments from certain Federal determinations of in-
come.
 Sec. 119. Authorization of exchange.
 Sec. 120. Severability.
 Sec. 121. Authorization of appropriations.
 Sec. 122. Funding and construction of high school and medical center.
 Sec. 123. Environmental impact; wilderness study; cancellation of leases and
permits.
 Sec. 124. Attorney fees and court costs.
 Sec. 125. Lobbying.
 Sec. 126. Navajo Rehabilitation Trust Fund.
 Sec. 127. Availability of funds for relocation assistance.

TITLE II—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

- Sec. 201. Retention preference.
 Sec. 202. Separation pay.
 Sec. 203. Federal retirement.

TITLE III—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

- Sec. 301. Definitions.
 Sec. 302. Transfer of functions.
 Sec. 303. Transfer and allocations of appropriations.
 Sec. 304. Effect of title.

1 **TITLE I—AMENDMENTS TO THE**
2 **ACT OF DECEMBER 22, 1974**

3 **SEC. 101. REPEAL OF SECTIONS.**

4 (a) IN GENERAL.—The Act of December 22, 1974
5 (25 U.S.C. 640d et seq.) is amended in the first undesig-
6 nated section by striking “That, (a) within” and all that
7 follows through the end of the section.

8 (b) ADDITIONAL REPEALS.—Sections 2 through 5
9 and sections 26 and 30 of the Act of December 22, 1974
10 (25 U.S.C. 640d–1 through 640d–4; 88 Stat. 1723; 25
11 U.S.C. 640d–28) are repealed.

12 **SEC. 102. DEFINITIONS; DIVISION OF LAND.**

13 Section 6 of the Act of December 22, 1974 (25
14 U.S.C. 640d–5) is amended—

15 (1) by striking “SEC. 6. The Mediator” and all
16 that follows through subsection (f) and inserting the
17 following:

18 **“SECTION 1. DEFINITIONS.**

19 “In this Act:

20 “(1) DISTRICT COURT.—The term ‘District
21 Court’ means the United States District Court for
22 the District of Arizona.

23 “(2) SECRETARY.—The term ‘Secretary’ means
24 the Secretary of the Interior.

25 “(3) TRIBE.—The term ‘Tribe’ means—

1 “(A) the Navajo Indian Tribe; and

2 “(B) the Hopi Indian Tribe.

3 **“SEC. 2. DIVISION OF LAND.**

4 “(a) DIVISION.—

5 “(1) IN GENERAL.—The land located within the
6 boundaries of the reservation established by Execu-
7 tive order on December 16, 1982, shall be divided
8 into parcels of equal acreage and quality—

9 “(A) to the maximum extent practicable;
10 and

11 “(B) in accordance with the final order
12 issued by the District Court on August 30,
13 1978 (providing for the partition of the surface
14 rights and interest of the Tribes).

15 “(2) VALUATION OF PARCELS.—For the pur-
16 pose of calculating the value of a parcel produced by
17 a division under paragraph (1), the Secretary
18 shall—

19 “(A) take into account any improvement
20 on the land; and

21 “(B) consider the grazing capacity of the
22 land to be fully restored.

23 “(3) COMPENSATION BY TRIBES.—If the parti-
24 tion under paragraph (1) results in parcels of un-
25 equal value, as determined by the Secretary, the

1 Tribe that receives the more valuable parcel shall
 2 pay to the other Tribe compensation in an amount
 3 equal to the difference in the values of the parcels,
 4 as determined by the Secretary.

5 “(4) COMPENSATION BY FEDERAL GOVERN-
 6 MENT.—If the District Court determines that the
 7 failure of the Federal Government to fulfill an obli-
 8 gation of the Government decreased the value of a
 9 parcel under paragraph (1), the Government shall
 10 pay to the recipient of the parcel compensation in an
 11 amount equal to the difference between—

12 “(A) the decreased value of the parcel; and

13 “(B) the value of the fully restored par-
 14 cel.”;

15 (2) by striking “(g) Any” and inserting the fol-
 16 lowing:

17 “(b) LICENSE FEES AND RENTS.—Any”; and

18 (3) by striking “(h) Any” and inserting the fol-
 19 lowing:

20 “(c) GRAZING AND AGRICULTURAL USE.—Any”.

21 **SEC. 103. JOINT OWNERSHIP OF MINERALS.**

22 Section 7 of the Act of December 22, 1974 (25
 23 U.S.C. 640d–6) is amended—

24 (1) by striking “SEC. 7. Partition” and insert-
 25 ing the following:

1 **“SEC. 3. JOINT OWNERSHIP OF MINERALS.**

2 “(a) IN GENERAL.—Partition”; and

3 (2) in the second sentence, by striking “All”

4 and inserting the following:

5 “(b) JOINT MANAGEMENT.—All”.

6 **SEC. 104. ACTIONS.**

7 Section 8 of the Act of December 22, 1974 (25

8 U.S.C. 640d-7) is amended—

9 (1) by striking “SEC. 8. (a) Either Tribe” and

10 inserting the following:

11 **“SEC. 4. ACTIONS.**

12 “(a) ACTIONS IN DISTRICT COURT.—Either Tribe”;

13 (2) in subsection (b)—

14 (A) in the first sentence, by striking “(b)

15 Lands, if any,” and inserting the following:

16 “(b) ALLOCATION OF LAND.—

17 “(1) NAVAJO RESERVATION.—Any land”;

18 (B) in the second sentence, by striking

19 “Lands, if any,” and inserting the following:

20 “(2) HOPI RESERVATION.—Any land”; and

21 (C) in the third sentence, by striking “Any

22 lands” and inserting the following:

23 “(3) JOINT AND UNDIVIDED INTERESTS.—Any

24 land”;

25 (3) in subsection (c)—

1 (A) by striking “(c)(1) Either” and insert-
 2 ing the following:

3 “(c) EXCHANGE OF LAND.—

4 “(1) IN GENERAL.—Either”;

5 (B) in paragraph (2), by striking “(2) In
 6 the event” and inserting the following:

7 “(2) INTERESTS OF TRIBES.—If”;

8 (C) in paragraph (3), by striking “(3) Nei-
 9 ther” and inserting the following:

10 “(3) DEFENSE.—Neither”; and

11 (D) by striking “section 18” each place it
 12 appears and inserting “section 14”;

13 (4) in subsection (d), by striking “(d) Nothing”
 14 and inserting the following:

15 “(d) EFFECT OF SECTION.—Nothing”;

16 (5) in subsection (e), by striking “(e) The” and
 17 inserting the following:

18 “(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND
 19 OTHER EXPENSES.—The”; and

20 (6) by striking subsection (f).

21 **SEC. 105. PAIUTE INDIAN ALLOTMENTS.**

22 Section 9 of the Act of December 22, 1974 (25
 23 U.S.C. 640d–8) is amended by striking “SEC. 9. Notwith-
 24 standing” and inserting the following:

1 **“SEC. 5. PAIUTE INDIAN ALLOTMENTS.**

2 “Notwithstanding”.

3 **SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.**

4 Section 10 of the Act of December 22, 1974 (25
5 U.S.C. 640d-9) is amended—

6 (1) by striking “SEC. 10. (a) Subject” and in-
7 serting the following:

8 **“SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.**

9 “(a) NAVAJO TRUST LAND.—Subject”;

10 (2) in subsection (a), by striking “section 9 and
11 subsection (a) of section 17” and inserting “sections
12 5 and 13(a)”;

13 (3) in subsection (b)—

14 (A) by striking “(b) Subject” and inserting
15 the following:

16 “(b) HOPI TRUST LAND.—Subject”;

17 (B) by striking “section 9 and subsection
18 (a) of section 17” and inserting “sections 5 and
19 13(a)”;

20 (C) by striking “section 3 or 4” and in-
21 serting “section 4”; and

22 (D) by striking “section 8” and inserting
23 “section 4”;

24 (4) in subsection (c)—

25 (A) by striking “(c) The” and inserting the
26 following:

1 “(c) PROTECTION OF RIGHTS AND PROPERTY.—
2 The”; and

3 (B) by striking “pursuant thereto” and all
4 that follows through the end of the subsection
5 and inserting “pursuant to this Act”;

6 (5) in subsection (d), by striking “(d) With”
7 and inserting the following:

8 “(d) PROTECTION OF BENEFITS AND SERVICES.—
9 With”; and

10 (6) in subsection (e)—

11 (A) by striking “(e)(1) Lands” and insert-
12 ing the following:

13 “(e) TRIBAL JURISDICTION OVER PARTITIONED
14 LAND.—

15 “(1) IN GENERAL.—Land”;

16 (B) by adjusting the margins of subpara-
17 graphs (A) and (B) of paragraph (1) appro-
18 priately; and

19 (C) in the matter following subparagraph
20 (B)—

21 (i) by striking “The provisions” and
22 inserting the following:

23 “(2) RESPONSIBILITY OF SECRETARY.—The
24 provisions”; and

25 (ii) by striking “life tenants and”.

1 **SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.**

2 (a) IN GENERAL.—Section 11(a) of the Act of De-
3 cember 22, 1974 (25 U.S.C. 640d–10(a)) is amended—

4 (1) by striking “SEC. 11. (a) The Secretary”
5 and inserting the following:

6 **“SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.**

7 “(a) TRANSFER OF LAND.—

8 “(1) IN GENERAL.—The Secretary”;

9 (2) by striking “(1) transfer not to exceed two
10 hundred and fifty thousand acres of lands” and in-
11 serting the following:

12 “(A) transfer not more than 250,000 acres
13 of land”;

14 (3) by striking “Tribe: *Provided*, That” and all
15 that follows through “as possible.” and inserting
16 “Tribe; and”;

17 (4) in the first paragraph designated as para-
18 graph (2)—

19 (A) by striking “(2) on behalf” and insert-
20 ing the following:

21 “(B) on behalf”; and

22 (B) by striking the second sentence;

23 (5) in the matter following paragraph (1)(B)
24 (as redesignated by paragraph (4))—

25 (A) in the first sentence—

1 (i) by striking “Subject to” and all
 2 that follows through “all rights” and in-
 3 serting the following:

4 “(4) REQUIREMENTS OF TRANSFER.—

5 “(A) IN GENERAL.—Subject to this para-
 6 graph, all rights”; and

7 (ii) by striking “paragraph (1)” and
 8 inserting “paragraph (1)(A)”;

9 (B) in the second sentence, by striking “So
 10 long as” and inserting the following:

11 “(B) COAL LEASE APPLICATIONS.—

12 “(i) IN GENERAL.—If”;

13 (C) in the third sentence, by striking “If
 14 such adjudication” and inserting the following:

15 “(ii) ISSUANCE OF LEASES.—If an ad-
 16 judication under clause (i)”;

17 (D) in the fourth sentence, by striking
 18 “The leaseholders rights and interests” and in-
 19 serting the following:

20 “(iii) RIGHTS AND INTERESTS OF
 21 LEASEHOLDERS.—The rights and interests
 22 of a holder of a lease described in clause
 23 (i)”;

24 (E) in the fifth sentence, by striking “If
 25 any” and inserting the following:

1 “(C) CLAIMS UNDER MINING LAW.—If
2 any”;

3 (6) by inserting after paragraph (1)(B) (as re-
4 designated by paragraph (4)) the following:

5 “(2) EXCHANGE OF LAND.—

6 “(A) IN GENERAL.—In order to facilitate a
7 transfer of land under paragraph (1)(A), the
8 Secretary may exchange land described in para-
9 graph (1)(A) for State or private land of equal
10 value.

11 “(B) UNEQUAL VALUE.—If the State or
12 private land described in subparagraph (A) is of
13 unequal value to the land described in para-
14 graph (1)(A), the recipient of the land that is
15 of greater value shall pay to the other party to
16 the exchange under subparagraph (A) com-
17 pensation in an amount not to exceed the lesser
18 of—

19 “(i) the difference between the values
20 of the land exchanged; or

21 “(ii) the amount that is 25 percent of
22 the total value of the land transferred from
23 the Secretary to the Navajo Tribe.

24 “(C) RESPONSIBILITY OF SECRETARY.—

25 The Secretary shall ensure that the amount of

1 a payment under subparagraph (B) is as mini-
 2 mal as practicable.

3 “(3) TITLE TO LAND ACCEPTED.—The Sec-
 4 retary shall accept title to land under paragraph
 5 (1)(B) on behalf of the United States in trust for
 6 the benefit of the Navajo Tribe as a part of the Nav-
 7 ajo reservation.”; and

8 (7) in the second paragraph designated as para-
 9 graph (2)—

10 (A) in the first sentence—

11 (i) by striking “(2) Those” and insert-
 12 ing the following:

13 “(5) STATE RIGHTS.—

14 “(A) IN GENERAL.—The”; and

15 (ii) by striking “subsection 2 of this
 16 section” and inserting “paragraph (1)(B)”;
 17 and

18 (B) in the second sentence, by striking
 19 “The” and inserting the following:

20 “(B) STATE INTERESTS.—The”.

21 (b) PROXIMITY OF LAND; EXCHANGES OF LAND.—

22 Section 11(b) of the Act of December 22, 1974 (25 U.S.C.
 23 640d–10(b)) is amended by striking “(b) A border” and
 24 inserting the following:

1 “(b) PROXIMITY OF LAND TO BE TRANSFERRED OR
2 ACQUIRED.—A border”.

3 (c) SELECTION OF LAND.—Section 11(c) of the Act
4 of December 22, 1974 (25 U.S.C. 640d–10(c)) is amend-
5 ed—

6 (1) by striking “(c) Lands” and inserting the
7 following:

8 “(c) SELECTION OF LAND TO BE TRANSFERRED OR
9 ACQUIRED.—Land”; and

10 (2) by striking the period at the end and insert-
11 ing the following: “: *Provided further*, That the au-
12 thority of the Commissioner to select lands under
13 this subsection shall terminate on September 30,
14 2008.”.

15 (d) REPORTS.—Section 11(d) of the Act of December
16 22, 1974 (25 U.S.C. 640d–10(d)) is amended by striking
17 “(d) The” and inserting the following:

18 “(d) REPORTS.—The”.

19 (e) PAYMENTS.—Section 11(e) of the Act of Decem-
20 ber 22, 1974 (25 U.S.C. 640d–10(e)) is amended by strik-
21 ing “(e) Payments” and inserting the following:

22 “(e) PAYMENTS.—Payments”.

23 (f) ACQUISITION OF TITLE TO SURFACE AND SUB-
24 SURFACE INTERESTS.—Section 11(f) of the Act of Decem-
25 ber 22, 1974 (25 U.S.C. 640d–10(f)) is amended—

1 (1) by striking “(f)(1) For” and inserting the
2 following:

3 “(f) ACQUISITION OF TITLE TO SURFACE AND SUB-
4 SURFACE INTERESTS.—

5 “(1) IN GENERAL.—For”;

6 (2) in paragraph (2), by striking “(2) If” and
7 inserting the following:

8 “(2) PUBLIC NOTICE; REPORT.—If”; and

9 (3) in paragraph (3), by striking “(3) In any
10 case where” and inserting the following:

11 “(3) RIGHTS OF SUBSURFACE OWNERS.—If”.

12 (g) LAND NOT AVAILABLE FOR TRANSFER.—Section
13 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d–
14 10(g)) is amended by striking “(g) No” and inserting the
15 following:

16 “(g) LAND NOT AVAILABLE FOR TRANSFER.—No”.

17 (h) ADMINISTRATION OF LAND TRANSFERRED OR
18 ACQUIRED.—Section 11(h) of the Act of December 22,
19 1974 (25 U.S.C. 640d–10(h)) is amended—

20 (1) by striking “(h) The lands” and inserting
21 the following:

22 “(h) ADMINISTRATION OF LAND TRANSFERRED OR
23 ACQUIRED.—

24 “(1) IN GENERAL.—The land”; and

25 (2) by adding at the end the following:

1 “(2) RELOCATION.—

2 “(A) IN GENERAL.—In order to facilitate
3 relocation of a member of a Tribe, the Commis-
4 sioner may grant a homesite lease on land ac-
5 quired under this section to a member of the
6 extended family of a Navajo Indian who is cer-
7 tified as eligible to receive benefits under this
8 Act.

9 “(B) EXCEPTION.—The Commissioner
10 may not use any funds available to the Commis-
11 sioner to carry out this Act to provide housing
12 to an extended family member described in sub-
13 paragraph (A).”.

14 (i) NEGOTIATIONS REGARDING LAND EXCHANGES
15 AND LEASES.—Section 11(i) of the Act of December 22,
16 1974 (25 U.S.C. 640d–10(i)) is amended—

17 (1) by striking “(i) The” and inserting the fol-
18 lowing:

19 “(i) NEGOTIATIONS REGARDING LAND EXCHANGES
20 AND LEASES.—The”; and

21 (2) by striking “section 23” and inserting “sec-
22 tion 19”.

1 **SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCA-**
 2 **TION.**

3 Section 12 of the Act of December 22, 1974 (25
 4 U.S.C. 640d-11) is amended—

5 (1) by striking “SEC. 12. (a) There is hereby”
 6 and inserting the following:

7 **“SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCA-**
 8 **TION.**

9 “(a) ESTABLISHMENT.—There is”;

10 (2) in subsection (b), by striking “(b) The” and
 11 inserting the following:

12 “(b) APPOINTMENT.—The”;

13 (3) in subsection (c)—

14 (A) by striking “(c)(1)(A) Except” and in-
 15 serting the following:

16 “(c) CONTINUATION OF POWERS.—

17 “(1) POWERS AND DUTIES OF COMMISSIONER;
 18 EXISTING FUNDS.—

19 “(A) POWERS AND DUTIES OF COMMIS-
 20 SIONER.—Except”;

21 (B) in paragraph (1)(B), by striking “(B)
 22 All” and inserting the following:

23 “(B) EXISTING FUNDS.—All”; and

24 (C) in paragraph (2), by striking “(2)
 25 There are hereby” and inserting the following:

26 “(2) TRANSFER OF POWERS.—There are”;

1 (4) in subsection (d)—

2 (A) by striking “(d)(1) Subject” and in-
3 serting the following:

4 “(d) POWERS OF COMMISSIONER.—

5 “(1) IN GENERAL.—Subject”;

6 (B) by adjusting the margins of subpara-
7 graphs (A) and (B) of paragraph (1) appro-
8 priately;

9 (C) in paragraph (2), by striking “(2)
10 The” and inserting the following:

11 “(2) CONTRACTS.—The”; and

12 (D) in paragraph (3), by striking “(3)
13 There” and inserting the following:

14 “(3) AUTHORIZATION OF APPROPRIATIONS.—
15 There”;

16 (5) in subsection (e)—

17 (A) by striking “(e)(1)” and inserting the
18 following:

19 “(e) ADMINISTRATION.—

20 “(1) ADMINISTRATIVE, FISCAL, AND HOUSE-
21 KEEPING SERVICES.—”.

22 (B) in paragraph (1)—

23 (i) in the first sentence, by striking
24 “The” and inserting the following:

25 “(A) IN GENERAL.—The”; and

1 (ii) in the second sentence, by striking

2 “In any” and inserting the following:

3 “(B) ASSISTANCE FROM DEPARTMENTS

4 AND AGENCIES.—In any”; and

5 (C) in paragraph (2), by striking “(2) On”

6 and inserting the following:

7 “(2) FAILURE TO PROVIDE ASSISTANCE.—On”;

8 (6) by striking subsection (f) and inserting the

9 following:

10 “(f) TERMINATION.—

11 “(1) IN GENERAL.—The Office of Navajo and

12 Hopi Indian Relocation shall terminate on Sep-

13 tember 30, 2008.

14 “(2) TRANSFER OF OFFICE DUTIES.—On the

15 date of termination of the Office, any duty of the

16 Office that has not been carried out, as determined

17 in accordance with this Act, shall be transferred to

18 the Secretary in accordance with title III of the Nav-

19 ajo-Hopi Land Settlement Amendments of 2005.”;

20 and

21 (7) by adding at the end the following:

22 “(g) OFFICE OF RELOCATION.—

23 “(1) ESTABLISHMENT.—Effective on October

24 1, 2006, there is established in the Department of

25 the Interior an Office of Relocation.

1 “(2) DUTIES.—The Secretary, acting through
 2 the Office of Relocation, shall carry out the duties
 3 of the Office of Navajo and Hopi Indian Relocation
 4 that are transferred to the Secretary in accordance
 5 with title III of the Navajo-Hopi Land Settlement
 6 Amendments of 2005.

7 “(3) TERMINATION.—The Office of Relocation
 8 shall terminate on the date on which the Secretary
 9 determines that the duties of the Office have been
 10 carried out.”.

11 **SEC. 109. REPORT.**

12 Section 13 of the Act of December 22, 1974 (25
 13 U.S.C. 640d–12) is amended—

14 (1) by striking “SEC. 13. (a) By no” and insert-
 15 ing the following:

16 **“SEC. 9. REPORT.**

17 “(a) IN GENERAL.—Not”; and

18 (2) in subsection (b)—

19 (A) by striking “(b) The” and inserting
 20 the following:

21 “(b) INCLUSIONS.—The”; and

22 (B) by striking “contain, among other
 23 matters, the following:” and inserting “in-
 24 clude—”.

1 **SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

2 Section 14 of the Act of December 22, 1974 (25
3 U.S.C. 640d-13) is amended—

4 (1) by striking “SEC. 14. (a)” and inserting the
5 following:

6 **“SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

7 **“(a) AUTHORIZATION.—”;**

8 (2) in subsection (a)—

9 (A) in the first sentence—

10 (i) by striking “Consistent” and in-
11 serting the following:

12 **“(1) IN GENERAL.—Consistent”;**

13 (ii) by striking “section 8” each place
14 it appears and inserting “section 4”; and

15 (iii) by striking “section 3 or 4” and
16 inserting “section 4 2”;

17 (B) by striking the second sentence;

18 (C) in the third sentence, by striking “No
19 further” and inserting the following:

20 **“(2) SETTLEMENTS OF NAVAJO.—No further”;**

21 (D) in the fourth sentence, by striking “No
22 further” and inserting the following:

23 **“(3) SETTLEMENTS OF HOPI.—No further”;**

24 and

25 (E) in the fifth sentence, by striking “No
26 individual” and inserting the following:

1 “(4) GRAZING.—No individual”;

2 (3) in subsection (b)—

3 (A) by striking “(b) In addition” and in-
4 serting the following:

5 “(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSE-
6 HOLDS.—In addition”;

7 (B) by striking “section 15” and inserting
8 “section 11”; and

9 (C) by striking “section 13” and inserting
10 “section 9”;

11 (4) in subsection (c), by striking “(c) No” and
12 inserting the following:

13 “(c) PAYMENTS FOR PERSONS MOVING AFTER A
14 CERTAIN DATE.—No”; and

15 (5) by adding at the end the following:

16 “(d) PROHIBITION.—No payment for benefits under
17 this Act may be made to any head of a household if, as
18 of September 30, 2005, that head of household has not
19 been certified as eligible to receive the payment.”.

20 **SEC. 111. RELOCATION HOUSING.**

21 Section 15 of the Act of December 22, 1974 (25
22 U.S.C. 640d–14) is amended—

23 (1) by striking “SEC. 15. (a)” and inserting the
24 following:

1 **“SEC. 11. RELOCATION HOUSING.**

2 “(a) PURCHASE OF HABITATION AND IMPROVE-
3 MENTS.—”;

4 (2) in subsection (a)—

5 (A) in the first sentence, by striking “The
6 Commission” and inserting the following:

7 “(1) IN GENERAL.—The Commission”; and

8 (B) in the second sentence—

9 (i) by striking “The purchase” and in-
10 serting the following:

11 “(2) PURCHASE PRICE.—The purchase”; and

12 (ii) by striking “as determined under
13 clause (2) of subsection (b) of section 13”;

14 (3) in subsection (b)—

15 (A) by striking “(b) In addition” and in-
16 serting the following:

17 “(b) REIMBURSEMENT FOR MOVING EXPENSES AND
18 PAYMENT FOR REPLACEMENT DWELLING.—In addition”;

19 (B) by striking “shall:” and inserting
20 “shall—”; and

21 (C) in paragraph (1), by inserting “and”
22 after the semicolon at the end;

23 (4) in subsection (c)—

24 (A) by striking “(c) In implementing” and
25 inserting the following:

26 “(c) STANDARDS; CERTAIN PAYMENTS.—

1 “(1) STANDARDS.—In carrying out”; and

2 (B) in the second sentence—

3 (i) by striking “No payment” and in-
4 serting the following:

5 “(2) CERTAIN PAYMENTS.—No payment”;

6 (ii) by striking “section 8” and insert-
7 ing “section 4”; and

8 (iii) by striking “section 3 or 4” and
9 inserting “section 4”;

10 (5) in subsection (d)—

11 (A) by striking “(d) The” and inserting
12 the following:

13 “(d) METHODS OF PAYMENT.—The”;

14 (B) by striking “(1) Should” and inserting
15 the following:

16 “(1) HOME OWNERSHIP OPPORTUNITY
17 PROJECTS.—Should”;

18 (C) by striking “(2) Should” and inserting
19 the following:

20 “(2) PURCHASED AND CONSTRUCTED DWELL-
21 INGS.—Should”; and

22 (D) by striking “(3) Should” and inserting
23 the following:

24 “(3) FAILURE TO ARRANGE RELOCATION.—
25 Should”;

1 (6) in subsection (e)—

2 (A) by striking “(e) The” and inserting the
3 following:

4 “(e) DISPOSAL OF ACQUIRED DWELLINGS AND IM-
5 PROVEMENTS.—The”;

6 (B) by striking “section 8” and inserting
7 “section 4”; and

8 (C) by striking “section 3 or 4” and in-
9 serting “section 1 2”;

10 (7) in subsection (f), by striking “(f) Notwith-
11 standing” and inserting the following:

12 “(f) PREFERENTIAL TREATMENT.—Notwith-
13 standing”; and

14 (8) by striking subsection (g) and inserting the
15 following:

16 “(g) BENEFITS HELD IN TRUST.—

17 “(1) IN GENERAL.—Not later than September
18 30, 2008, the Commissioner shall notify the Sec-
19 retary of the identity of any head of household that,
20 as of that date—

21 “(A) is certified as eligible to receive bene-
22 fits under this Act;

23 “(B) does not reside on land that has been
24 partitioned to the Tribe of which the head of
25 household is a member; and

1 “(C) has not received a replacement home.

2 “(2) TRANSFER OF FUNDS.—Not later than
3 September 30, 2008, the Commissioner shall trans-
4 fer to the Secretary any funds not used by the Com-
5 missioner to make payments under this Act to eligi-
6 ble heads of households.

7 “(3) DISPOSITION OF TRANSFERRED FUNDS.—

8 “(A) IN GENERAL.—The Secretary shall
9 hold any funds transferred under paragraph (2)
10 in trust for the heads of households described
11 in paragraph (1)(A).

12 “(B) PAYMENT AMOUNTS.—Of the funds
13 held in trust under subparagraph (A), the Sec-
14 retary shall make payments to heads of house-
15 holds described in paragraph (1)(A) in amounts
16 that would have been made to the heads of
17 households under this Act before September 30,
18 2008—

19 “(i) on receipt of a request of a head
20 of household, to be used for a replacement
21 home; or

22 “(ii) on the date of death of the head
23 of household, if the head of household does
24 not make a request under clause (i), in ac-
25 cordance with subparagraph (C).

1 “(C) DISTRIBUTION OF FUNDS ON DEATH
 2 OF HEAD OF HOUSEHOLD.—If the Secretary
 3 holds funds in trust under this paragraph for a
 4 head of household described in paragraph
 5 (1)(A) on the death of the head of household,
 6 the Secretary shall—

7 “(i) identify and notify any heir of the
 8 head of household; and

9 “(ii) distribute the funds held by the
 10 Secretary for the head of household to any
 11 heir—

12 “(I) immediately, if the heir is at
 13 least 18 years old; or

14 “(II) if the heir is younger than
 15 18 years old on the date on which the
 16 Secretary identified the heir, on the
 17 date on which the heir attains the age
 18 of 18.

19 “(h) NOTIFICATION.—

20 “(1) IN GENERAL.—Not later than 180 days
 21 after the date of enactment of the Navajo-Hopi
 22 Land Settlement Amendments of 2005, the Commis-
 23 sioner shall notify each eligible head of household
 24 who has not entered into a lease with the Hopi Tribe
 25 to reside on land partitioned to the Hopi Tribe, in

1 accordance with section 700.138 of title 25, Code of
 2 Federal Regulations (or a successor regulation).

3 “(2) LIST.—On the date on which a notice pe-
 4 riod referred to in section 700.139 of title 25, Code
 5 of Federal Regulations (or a successor regulation),
 6 expires, the Commissioner shall submit to the Sec-
 7 retary and the United States Attorney for the Dis-
 8 trict of Arizona a list containing the name and ad-
 9 dress of each eligible head of household who—

10 “(A) continues to reside on land that has
 11 not been partitioned to the Tribe of the head of
 12 household; and

13 “(B) has not entered into a lease to reside
 14 on that land.

15 “(3) CONSTRUCTION OF REPLACEMENT
 16 HOMES.—Before July 1, 2008, but not later than 90
 17 days after receiving a notice of the imminent re-
 18 moval of a relocatee from land provided to the Hopi
 19 Tribe under this Act from the Secretary or the
 20 United States Attorney for the District of Arizona,
 21 the Commissioner may begin construction of a re-
 22 placement home on any land acquired under section
 23 6.

24 “(i) APPEALS.—

1 “(1) IN GENERAL.—The Commissioner shall es-
 2 tablish an expedited hearing procedure for any ap-
 3 peal relating to the denial of eligibility for benefits
 4 under this Act (including regulations promulgated
 5 pursuant to this Act) that is pending on, or filed
 6 after, the date of enactment of Navajo-Hopi Land
 7 Settlement Amendments of 2005.

8 “(2) FINAL DETERMINATIONS.—The hearing
 9 procedure established under paragraph (1) shall—

10 “(A) provide for a hearing before an im-
 11 partial third party, as the Commissioner deter-
 12 mines necessary; and

13 “(B) ensure that a final determination is
 14 made by the Office of Navajo and Hopi Indian
 15 Relocation for each appeal described in para-
 16 graph (1) by not later than January 1, 2008.

17 “(3) NOTICE.—

18 “(A) IN GENERAL.—Not later than 30
 19 days after the date of enactment of the Navajo-
 20 Hopi Land Settlement Amendments of 2005,
 21 the Commissioner shall provide written notice
 22 to any individual that the Commissioner deter-
 23 mines may have the right to a determination of
 24 eligibility for benefits under this Act.

1 “(B) REQUIREMENTS FOR NOTICE.—The
2 notice provided under subparagraph (A) shall—

3 “(i) specify that a request for a deter-
4 mination of eligibility for benefits under
5 this Act shall be presented to the Commis-
6 sion not later than 180 days after the date
7 on which the notice is issued; and

8 “(ii) be provided—

9 “(I) by mail (including means
10 other than certified mail) to the last
11 known address of the recipient; and

12 “(II) in a newspaper of general
13 circulation in the geographic area in
14 which an address referred to in sub-
15 clause (I) is located.

16 “(j) PROCUREMENT OF SERVICES.—

17 “(1) IN GENERAL.—Notwithstanding any other
18 provision of this Act, to ensure the full and fair eval-
19 uation of the requests referred to in subsection
20 (i)(3)(A) (including an appeal hearing before an im-
21 partial third party referred to in subsection
22 (i)(2)(A)), the Commissioner may enter into such
23 contracts or agreements to procure such services,
24 and employ such personnel (including attorneys), as
25 the Commissioner determines to be necessary.

1 “(2) DETAIL OF ADMINISTRATIVE LAW JUDGES
 2 OR HEARING OFFICERS.—The Commissioner may re-
 3 quest the Secretary to act through the Director of
 4 the Office of Hearings and Appeals to make avail-
 5 able to the Office of Navajo and Hopi Indian Relo-
 6 cation an administrative law judge or other hearing
 7 officer with appropriate qualifications to review the
 8 requests referred to in subsection (i)(3)(A), as deter-
 9 mined by the Commissioner.

10 “(k) APPEAL TO UNITED STATES CIRCUIT COURT OF
 11 APPEALS.—

12 “(1) IN GENERAL.—Subject to paragraph (3),
 13 any individual who, under the procedures established
 14 by the Commissioner pursuant to this section, is de-
 15 termined not to be eligible to receive benefits under
 16 this Act may appeal that determination to the
 17 United States Circuit Court of Appeals for the
 18 Ninth Circuit (referred to in this subsection as the
 19 ‘Circuit Court’).

20 “(2) REVIEW.—

21 “(A) IN GENERAL.—The Circuit Court
 22 shall, with respect to each appeal described in
 23 paragraph (1)—

24 “(i) review the entire record (as cer-
 25 tified to the Circuit Court under paragraph

1 (3)) on which a determination of the ineli-
 2 gibility of the appellant to receive benefits
 3 under this Act was based; and

4 “(ii) on the basis of that review, af-
 5 firm or reverse that determination.

6 “(B) STANDARD OF REVIEW.—The Circuit
 7 Court shall affirm any determination that the
 8 Circuit Court determines to be supported by
 9 substantial evidence.

10 “(3) NOTICE OF APPEAL.—

11 “(A) IN GENERAL.—Not later than 30
 12 days after a determination of ineligibility under
 13 paragraph (1), an affected individual shall file
 14 a notice of appeal with—

15 “(i) the Circuit Court; and

16 “(ii) the Commissioner.

17 “(B) CERTIFICATION OF RECORD.—On re-
 18 ceipt of a notice under subparagraph (A)(ii),
 19 the Commissioner shall submit to the Circuit
 20 Court the certified record on which the deter-
 21 mination that is the subject of the appeal was
 22 made.

23 “(C) REVIEW PERIOD.—Not later than 60
 24 days after receiving a certified record under
 25 subparagraph (B), the Circuit Court shall con-

1 duct a review and file a decision regarding an
2 appeal in accordance with paragraph (2).

3 “(D) BINDING DECISION.—A decision
4 made by the Circuit Court under this sub-
5 section shall be final and binding on all par-
6 ties.”.

7 **SEC. 112. PAYMENT FOR USE OF LAND.**

8 Section 16 of the Act of December 22, 1974 (25
9 U.S.C. 640d–15) is amended—

10 (1) by striking “SEC. 16. (a) The Navajo” and
11 inserting the following:

12 **“SEC. 12. PAYMENT FOR USE OF LAND.**

13 “(a) IN GENERAL.—The Navajo”;

14 (2) in subsection (a), by striking “sections 8
15 and 3 or 4” and inserting “sections 1 2 and 4”; and

16 (3) in subsection (b)—

17 (A) by striking “(b) The” and inserting
18 the following:

19 “(b) PAYMENT.—The”; and

20 (B) by striking “sections 8 and 3 or 4”
21 and inserting “sections 1 2 and 4”.

22 **SEC. 113. EFFECT OF ACT.**

23 Section 17 of the Act of December 22, 1974 (25
24 U.S.C. 640d–16) is amended—

1 (1) by striking “SEC. 17. (a)” and inserting the
 2 following:

3 **“SEC. 13. EFFECT OF ACT.**

4 “(a) TITLE, POSSESSION, AND ENJOYMENT.—”;

5 (2) in subsection (a)—

6 (A) in the first sentence, by striking
 7 “Nothing” and inserting the following:

8 “(1) IN GENERAL.—Nothing”; and

9 (B) in the second sentence, by striking
 10 “Such” and inserting the following:

11 “(2) RESIDENCE ON OTHER RESERVATIONS.—
 12 Any”; and

13 (3) in subsection (b), by striking “(b) Nothing”
 14 and inserting the following:

15 “(b) FEDERAL EMPLOYEES.—Nothing”.

16 **SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF**
 17 **GRAZING, AND CLAIMS FOR DAMAGES TO**
 18 **LAND.**

19 Section 18 of the Act of December 22, 1974 (25
 20 U.S.C. 640d–17) is amended—

21 (1) by striking “SEC. 18. (a) Either” and in-
 22 serting the following:

1 **“SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF**
 2 **GRAZING, AND CLAIMS FOR DAMAGES TO**
 3 **LAND.**

4 “(a) ACTIONS BY TRIBES.—Either”;

5 (2) in subsection (a), by striking “section 3 or
 6 4” and inserting “section 4 2”;

7 (3) in subsection (b)—

8 (A) by striking “(b) Neither” and inserting
 9 the following:

10 “(b) DEFENSES.—Neither”; and

11 (B) by striking “section 3 or 4” and in-
 12 serting “section 4 2”;

13 (4) in subsection (c)—

14 (A) by striking “(c) Either” and inserting
 15 the following:

16 “(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLE-
 17 MENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

18 “(1) IN GENERAL.—Either”; and

19 (B) in the second sentence, by striking
 20 “Such actions” and inserting the following:

21 “(2) ACTION THROUGH CHAIRMAN.—An action
 22 under paragraph (1)”;

23 (5) in subsection (d)—

24 (A) by striking “(d) Except” and inserting
 25 the following:

1 “(d) UNITED STATES AS PARTY; JUDGMENTS
2 AGAINST THE UNITED STATES.—

3 “(1) IN GENERAL.—Except”; and

4 (B) in the second sentence, by striking
5 “Any judgment or judgments” and inserting
6 the following:

7 “(2) EFFECT OF JUDGMENTS.—Any judg-
8 ment”; and

9 (6) in subsection (e), by striking “(e) All” and
10 inserting the following:

11 “(e) REMEDIES.—All”.

12 **SEC. 115. JOINT USE.**

13 Section 19 of the Act of December 22, 1974 (25
14 U.S.C. 640d–18) is amended—

15 (1) by striking “SEC. 19. (a) Notwithstanding”
16 and inserting the following:

17 **“SEC. 15. JOINT USE.**

18 “(a) REDUCTION OF LIVESTOCK.—

19 “(1) IN GENERAL.—Notwithstanding”;
20 (2) in subsection (a)(1) (as designated by para-

21 graph (1))—

22 (A) by striking “section 3 or 4” and in-
23 serting “section 4 2”; and

1 (B) in the second sentence, by striking
 2 “The Secretary is directed to” and inserting the
 3 following:

4 “(2) CONSERVATION PRACTICES AND METH-
 5 ODS.—The Secretary shall”;

6 (3) in subsection (b)—

7 (A) by striking “(b) The” and inserting
 8 the following:

9 “(b) SURVEY LOCATION OF MONUMENTS AND FENC-
 10 ING OF BOUNDARIES.—The”; and

11 (B) by striking “sections 8 and 3 or 4”
 12 each place it appears and inserting “sections ~~4~~
 13 ~~2~~ and 4”; and

14 (4) in subsection (c)—

15 (A) by striking “(c)(1) Surveying” and in-
 16 serting the following:

17 “(c) SURVEYING, MONUMENTING, AND FENCING;
 18 LIVESTOCK REDUCTION PROGRAM.—

19 “(1) SURVEYING, MONUMENTING, AND FENC-
 20 ING.—Surveying”;

21 (B) in paragraph (1)—

22 (i) by striking “section 4” and insert-
 23 ing “section ~~4~~ ~~2~~”; and

24 (ii) by striking “section 8” and insert-
 25 ing “section 4”; and

1 (C) in paragraph (2), by striking “(2)
 2 The” and inserting the following:

3 “(2) LIVESTOCK REDUCTION PROGRAM.—The”.

4 **SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.**

5 Section 20 of the Act of December 22, 1974 (25
 6 U.S.C. 640d–19) is amended by striking “SEC. 20. The
 7 members” and inserting the following:

8 **“SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF**
 9 **WATER.**

10 “The members”.

11 **SEC. 117. ACCESS TO RELIGIOUS SHRINES.**

12 Section 21 of the Act of December 22, 1974 (25
 13 U.S.C. 640d–20) is amended by striking “SEC. 21. Not-
 14 withstanding” and inserting the following:

15 **“SEC. 17. ACCESS TO RELIGIOUS SHRINES.**

16 “Notwithstanding”.

17 **SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FED-**
 18 **ERAL DETERMINATIONS OF INCOME.**

19 Section 22 of the Act of December 22, 1974 (25
 20 U.S.C. 640d–21) is amended—

21 (1) by striking “SEC. 22. The availability” and
 22 inserting the following:

23 **“SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FED-**
 24 **ERAL DETERMINATIONS OF INCOME.**

25 “(a) IN GENERAL.—The availability”; and

1 (2) by striking “None of the funds” and insert-
2 ing the following:

3 “(b) FEDERAL AND STATE INCOME TAXES.—None
4 of the funds”.

5 **SEC. 119. AUTHORIZATION OF EXCHANGE.**

6 Section 23 of the Act of December 22, 1974 (25
7 U.S.C. 649d–22) is amended—

8 (1) by striking “SEC. 23. The Navajo” and in-
9 serting the following:

10 **“SEC. 19. AUTHORIZATION OF EXCHANGE.**

11 “(a) IN GENERAL.—The Navajo”; and

12 (2) in the second sentence—

13 (A) by striking “In the event that the
14 Tribes should” and inserting the following:

15 “(b) NEGOTIATED EXCHANGES.—If the Tribes”; and

16 (B) by striking “sections 14 and 15” and
17 inserting “sections 10 and 11”.

18 **SEC. 120. SEVERABILITY.**

19 Section 24 of the Act of December 22, 1974 (25
20 U.S.C. 640d–23) is amended by striking “SEC. 24. If” and
21 inserting the following:

22 **“SEC. 20. SEVERABILITY.**

23 “ If”.

1 **SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 25 of the Act of December 22, 1974 (25
3 U.S.C. 640d-24) is—

4 (1) moved so as to appear at the end of the
5 Act; and

6 (2) amended to read as follows:

7 **“SEC. 27. AUTHORIZATION OF APPROPRIATIONS.**

8 “(a) RELOCATION OF HOUSEHOLDS AND MEM-
9 BERS.—There is authorized to be appropriated to carry
10 out section 10(b) \$13,000,000.

11 “(b) RELOCATION OF HOUSEHOLDS AND MEM-
12 BERS.—There are authorized to be appropriated to carry
13 out section 11 such sums as are necessary for each of fis-
14 cal years 2006 through 2008.

15 “(c) RETURN TO CARRYING CAPACITY AND INSTITU-
16 TION OF CONSERVATION PRACTICES.—There is author-
17 ized to be appropriated to carry out section 15(a)
18 \$10,000,000.

19 “(d) SURVEY LOCATION OF MONUMENTS AND FENC-
20 ING OF BOUNDARIES.—There is authorized to be appro-
21 priated to carry out section 15(b) \$500,000.”.

22 **SEC. 122. FUNDING AND CONSTRUCTION OF HIGH SCHOOL**
23 **AND MEDICAL CENTER.**

24 Section 27 of the Act of December 22, 1974 (25
25 U.S.C. 640d-25) is amended by striking “SEC. 27.” and

1 all that follows through “(c) The Secretary” and inserting
 2 the following:

3 **“SEC. 21. FUNDING AND CONSTRUCTION OF HIGH SCHOOL**
 4 **AND MEDICAL CENTER.**

5 “The Secretary”.

6 **SEC. 123. ENVIRONMENTAL IMPACT; WILDERNESS STUDY;**
 7 **CANCELLATION OF LEASES AND PERMITS.**

8 Section 28 of the Act of December 22, 1974 (25
 9 U.S.C. 640d-26) is amended—

10 (1) by striking “SEC. 28. (a) No action” and in-
 11 serting the following:

12 **“SEC. 22. ENVIRONMENTAL IMPACT; WILDERNESS STUDY;**
 13 **CANCELLATION OF LEASES AND PERMITS.**

14 “(a) IN GENERAL.—No action”;

15 (2) in subsection (b), by striking “(b) Any” and
 16 inserting the following:

17 “(b) EFFECT OF WILDERNESS STUDY.—Any”; and

18 (3) by adding at the end the following:

19 “(c) CONSTRUCTION REQUIREMENTS.—

20 “(1) IN GENERAL.—Any construction activity
 21 under this Act shall be carried out in accordance
 22 with sections 3 through 7 of the Act of June 27,
 23 1960 (16 U.S.C. 469a-1 through 469c).

24 “(2) COMPLIANCE WITH OTHER REQUIRE-
 25 MENTS.—If a construction activity meets the re-

1 requirements under paragraph (1), the activity shall
 2 be considered to be in accordance with any applica-
 3 ble requirement of—

4 “(A) Public Law 89–665 (80 Stat. 915);
 5 and

6 “(B) the Act of June 8, 1906 (34 Stat.
 7 225, chapter 3060).”.

8 **SEC. 124. ATTORNEY FEES AND COURT COSTS.**

9 Section 29 of the Act of December 22, 1974 (25
 10 U.S.C. 640d–27) is amended—

11 (1) by striking “SEC. 29. (a)” and inserting the
 12 following:

13 **“SEC. 23. ATTORNEY FEES AND COURT COSTS.**

14 “(a) IN GENERAL.—”;

15 (2) in subsection (a)—

16 (A) by striking “In any” and inserting the
 17 following:

18 “(1) IN GENERAL.—In any”; and

19 (B) by striking “For each” and inserting
 20 the following:

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—

22 For each”;

23 (3) in subsection (b)—

24 (A) by striking “(b) Upon” and inserting
 25 the following:

1 “(b) AWARD BY COURT.—

2 “(1) IN GENERAL.—On”; and

3 (B) in the second sentence, by striking

4 “Any party” and inserting the following:

5 “(2) REIMBURSEMENT OF UNITED STATES.—

6 Any party”;

7 (4) in subsection (c), by striking “(c) To” and

8 inserting the following:

9 “(c) EXCESS DIFFERENCE.—To”; and

10 (5) in subsection (d)—

11 (A) by striking “(d) This” and inserting

12 the following:

13 “(d) APPLICATION OF SECTION.—This”; and

14 (B) by striking “section 8 or 18(a) of this

15 Act” and inserting “section 4 or section 14(a)”.

16 **SEC. 125. LOBBYING.**

17 Section 31 of the Act of December 22, 1974 (25

18 U.S.C. 640d–29) is amended—

19 (1) by striking “SEC. 31. (a) Except” and in-

20 serting the following:

21 **“SEC. 24. LOBBYING.**

22 “(a) IN GENERAL.—Except”; and

23 (2) in subsection (b), by striking “(b) Sub-

24 section” and inserting the following:

25 “(b) APPLICABILITY.—Subsection”.

1 **SEC. 126. NAVAJO REHABILITATION TRUST FUND.**

2 The first section designated as section 32 of the Act
3 of December 22, 1974 (25 U.S.C. 640d–30) is amended—

4 (1) by striking “SEC. 32. (a) There” and insert-
5 ing the following:

6 **“SEC. 25. NAVAJO REHABILITATION TRUST FUND.**

7 “(a) ESTABLISHMENT.—There”;

8 (2) in subsection (b), by striking “(b) All” and
9 inserting the following:

10 “(b) DEPOSIT OF INCOME INTO FUND.—All”;

11 (3) in subsection (c), by striking “(c) The” and
12 inserting the following:

13 “(c) INVESTMENT OF FUNDS.—The”;

14 (4) in subsection (d)—

15 (A) by striking “(d) Funds” and inserting
16 the following:

17 “(d) AVAILABILITY OF FUNDS.—Funds”;

18 (B) in paragraph (1), by striking “pro-
19 ceedings,” and inserting “proceedings;” and

20 (C) in paragraph (2), by striking “Act, or”
21 and inserting “Act; or”;

22 (5) in subsection (e)—

23 (A) by striking “(e) By December 1” and
24 inserting the following:

25 “(e) EXPENDITURE OF FUNDS.—

1 “(1) IN GENERAL.—Not later than December
2 1”; and

3 (B) in the second sentence, by striking
4 “Such framework is to be” and inserting the
5 following:

6 “(2) REQUIREMENT.—The framework under
7 paragraph (1) shall be”;

8 (6) in subsection (f)—

9 (A) by striking “(f) The” and inserting the
10 following:

11 “(f) TERMINATION.—

12 “(1) IN GENERAL.—The”; and

13 (B) in the second sentence, by striking
14 “All funds” and inserting the following:

15 “(2) TRANSFER OF REMAINING FUNDS.—All
16 funds”; and

17 (7) in subsection (g)—

18 (A) by striking “(g) There is hereby” and
19 inserting the following:

20 “(g) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—There is”;

22 (B) in the first sentence, by striking
23 “1990, 1991, 1992, 1993, 1994, and 1995”
24 and inserting “2006 through 2008”; and

1 (C) in the second sentence, by striking
 2 “The income” and inserting the following:
 3 “(2) INCOME FROM LAND.—The income”.

4 **SEC. 127. AVAILABILITY OF FUNDS FOR RELOCATION AS-**
 5 **SISTANCE.**

6 The second section designated as section 32 of the
 7 Act of December 22, 1974 (25 U.S.C. 640–31) is amended
 8 by striking “SEC. 32. Nothing” and inserting the fol-
 9 lowing:

10 **“SEC. 26. AVAILABILITY OF FUNDS FOR RELOCATION AS-**
 11 **SISTANCE.”.**

12 “Nothing”.

13 **TITLE II—PERSONNEL OF THE**
 14 **OFFICE OF NAVAJO AND HOPI**
 15 **INDIAN RELOCATION**

16 **SEC. 201. RETENTION PREFERENCE.**

17 The second sentence of section 3501(b) of title 5,
 18 United States Code, is amended—

19 (1) by striking “or” after “Senate” and insert-
 20 ing a comma;

21 (2) by striking “or” after “Service” and insert-
 22 ing a comma; and

23 (3) by inserting “, or to an employee of the Of-
 24 fice of Navajo and Hopi Indian Relocation” before
 25 the period.

1 **SEC. 202. SEPARATION PAY.**

2 (a) IN GENERAL.—Chapter 55 of title 5, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 5598 Separation pay for certain employees of the**
6 **Office of Navajo and Hopi Indian Reloca-**
7 **tion**

8 “(a) IN GENERAL.—Except as provided in sub-
9 sections (b) and (c), the Commissioner of the Office of
10 Navajo and Hopi Indian Relocation shall establish a pro-
11 gram to offer separation pay to employees of the Office
12 of Navajo and Hopi Indian Relocation (referred to in this
13 section as the ‘Office’) in the same manner as the Sec-
14 retary of Defense offers separation pay to employees of
15 a defense agency under section 5597.

16 “(b) SEPARATION PAY.—

17 “(1) IN GENERAL.—Under the program estab-
18 lished under subsection (a), the Commissioner of the
19 Office may offer separation pay only to employees
20 within an occupational group or at a pay level that
21 minimizes the disruption of ongoing Office programs
22 at the time that the separation pay is offered.

23 “(2) REQUIREMENT.—Any separation pay of-
24 fered under this subsection—

25 “(A) shall be paid in a lump sum;

1 “(B) shall be in an amount equal to
2 \$25,000, if paid on or before December 31,
3 2007;

4 “(C) shall be in an amount equal to
5 \$20,000, if paid after December 31, 2007, and
6 before January 1, 2009;

7 “(D) shall be in an amount equal to
8 \$15,000, if paid after December 31, 2008, and
9 before January 1, 2010;

10 “(E) shall not—

11 “(i) be a basis for payment;

12 “(ii) be considered to be income for
13 the purposes of computing any other type
14 of benefit provided by the Federal Govern-
15 ment; and

16 “(F) if an individual is otherwise entitled
17 to receive any severance pay under section 5595
18 on the basis of any other separation, shall not
19 be payable in addition to the amount of the sev-
20 erance pay to which that individual is entitled
21 under section 5595.

22 “(c) PROHIBITION.—No amount shall be payable
23 under this section to any employee of the Office for any
24 separation occurring after December 31, 2009.”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-
 2 ysis for chapter 55 of title 5 is amended by adding at the
 3 end the following:

“5598. Separation pay for certain employees of the Office of Navajo and Hopi
 Indian Relocation”.

4 **SEC. 203. FEDERAL RETIREMENT.**

5 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

6 (1) IMMEDIATE RETIREMENT.—Section
 7 8336(j)(1)(B) of title 5, United States Code, is
 8 amended by inserting “or was employed by the Of-
 9 fice of Navajo and Hopi Indian Relocation during
 10 the period beginning on January 1, 1985, and end-
 11 ing on the date of separation of that employee” be-
 12 fore the final comma.

13 (2) COMPUTATION OF ANNUITY.—Section
 14 8339(d) of title 5, United States Code, is amended
 15 by adding at the end the following:

16 “(8) The annuity of an employee of the Office of Nav-
 17 ajo and Hopi Indian Relocation described in section
 18 8336(j)(1)(B) shall be determined under subsection (a),
 19 except that with respect to service of that employee on
 20 or after January 1, 1985, the annuity of that employee
 21 shall be in an amount equal to the sum of—

22 “(A) the product obtained by multiplying—

23 “(i) 2½ percent of the average pay of the
 24 employee; and

1 “(ii) the quantity of service of the employee on
 2 or after January 1, 1985, that does not exceed 10
 3 years; and

4 “(B) the product obtained by multiplying—

5 “(i) 2 percent of the average pay of the
 6 employee; and

7 “(ii) the quantity of the service of the em-
 8 ployee on or after January 1, 1985, that ex-
 9 ceeds 10 years.”.

10 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

11 (1) IMMEDIATE RETIREMENT.—Section 8412 of
 12 title 5, United States Code, is amended by adding
 13 at the end the following:

14 “(i) An employee of the Office of Navajo and Hopi
 15 Indian Relocation is entitled to an annuity if that em-
 16 ployee—

17 “(1) has been continuously employed in the Of-
 18 fice of Navajo and Hopi Indian Relocation during
 19 the period beginning on January 1, 1985, and end-
 20 ing on the date of separation of that individual; and

21 “(2)(A) has completed 25 years of service at
 22 any age; or

23 “(B) has attained the age of 50 years and has
 24 completed 20 years of service.”.

1 (2) COMPUTATION OF BASIC ANNUITY.—Section
2 8415 of title 5, United States Code, is amended—

3 ~~(1) by redesignating subsection (l) as subsection~~
4 ~~(m);~~

5 ~~(2) by redesignating the second subsection des-~~
6 ~~ignated as subsection (k) as subsection (l); and~~

7 ~~(3) by adding at the end the following:~~

8 **(A)** *by redesignating subsection (l) as sub-*
9 *section (m);*

10 **(B)** *by redesignating the second subsection*
11 *designated as subsection (k) as subsection (l);*
12 *and*

13 **(C)** *by adding at the end the following:*

14 “(n) The annuity of an employee retiring under sec-
15 tion 8412(i) shall be determined in accordance with sub-
16 section (d), except that with respect to service during the
17 period beginning on January 1, 1985, the annuity of the
18 employee shall be an amount equal to the sum of—

19 “(1) the product obtained by multiplying—

20 “(A) 2 percent of the average pay of the
21 employee; and

22 “(B) the quantity of the total service of
23 the employee that does not exceed 10 years;
24 and

25 “(2) the product obtained by multiplying—

1 “(A) 1½ percent of the average pay of the
2 employee; and

3 “(B) the quantity of the total service of
4 the employee that exceeds 10 years.”.

5 **TITLE III—TRANSFER OF FUNC-**
6 **TIONS AND SAVINGS PROVI-**
7 **SIONS**

8 **SEC. 301. DEFINITIONS.**

9 In this title:

10 (1) **FEDERAL AGENCY.**—The term “Federal
11 agency” has the meaning given the term “agency”
12 in section 551(1) of title 5, United States Code.

13 (2) **FUNCTION.**—The term “function” means
14 any duty, obligation, power, authority, responsibility,
15 right, privilege, activity, or program.

16 (3) **OFFICE.**—The term “Office” means the Of-
17 fice of Navajo and Hopi Relocation (including any
18 component of that office).

19 **SEC. 302. TRANSFER OF FUNCTIONS.**

20 Effective on the date of enactment of this Act, there
21 is transferred to the Secretary of the Interior any function
22 of the Office that has not been carried out by the Office
23 on the date of enactment of this Act, as determined by
24 the Secretary of the Interior in accordance with the Act

1 of December 22, 1974 (25 U.S.C. 640 et seq.) (as amend-
2 ed by title I).

3 **SEC. 303. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
4 **TIONS.**

5 (a) IN GENERAL.—Except as otherwise provided in
6 this Act and the amendments made by this Act, any asset,
7 liability, contract, property, record, or unexpended balance
8 of appropriations, authorizations, allocations, and other
9 funds made available to carry out the functions trans-
10 ferred by this title shall be transferred to the Secretary
11 of the Interior, subject to section 1531 of title 31, United
12 States Code.

13 (b) USE OF FUNDS.—Any unexpended funds trans-
14 ferred under subsection (a) shall be used only for the pur-
15 poses for which the funds were originally authorized and
16 appropriated.

17 **SEC. 304. EFFECT OF TITLE.**

18 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—
19 Any legal document relating to a function transferred by
20 this title that is in effect on the date of enactment of this
21 Act shall continue in effect in accordance with the terms
22 of the document until the document is modified or termi-
23 nated by—

24 (1) the President;

25 (2) the Secretary of the Interior;

1 (3) a court of competent jurisdiction; or

2 (4) operation of Federal or State law.

3 (b) PROCEEDINGS NOT AFFECTED.—This title shall
4 not affect any proceeding (including a notice of proposed
5 rulemaking, an administrative proceeding, and an applica-
6 tion for a license, permit, certificate, or financial assist-
7 ance) relating to a function transferred under this title
8 that is pending before the Office of Navajo and Hopi Relo-
9 cation on the date of enactment of this Act.

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[Report No. 109-206]

A BILL

To amend the Act of December 22, 1974, and for
other purposes.

DECEMBER 12, 2005
Reported with amendments